



ABC Update April 2013

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Texas Hold 'Em and Other Games of Chance in ABC Licensed Premises

In past few years, the Commonwealth has seen an explosion of interest in Texas Hold 'Em and similar card games. Many licensees and third-party gaming companies have contacted the Kentucky Alcoholic Beverage Control Board concerning the legality of such games. The ABC would like to take this opportunity to state its policy regarding such games.

KRS 243.500 (7) provides that an alcoholic beverage license may be revoked or suspended for:

Setting up, conducting, operating, or keeping on the licensed premises, any gambling game, device, machine, contrivance, lottery, gift enterprise, handbook, or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility. This section shall not apply to contests in which eligibility to participate is determined by chance and the ultimate winner is determined by skill and the licensee has no direct interest, or to the sale of lottery tickets sold under the provisions of KRS Chapter 154A.

Gambling is defined in KRS Chapter 528.010 (3)(a) as:

[S]taking or risking something of value upon the outcome of a contest, game, gaming scheme, or gaming device which is based upon an element of chance, in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome. A contest or game in which eligibility to participate is determined by chance and the ultimate winner is determined by skill shall not be considered to be gambling.

It is the Opinion of the ABC that the presence of gaming cards, chips, players and a prize or jackpot raises a presumption of gambling. However, a licensee can overcome this presumption, and run a legal entertainment game, if the following **MINIMUM** conditions are observed:

1. The game must be open to the general public. Only those persons twenty-one (21) years of age and older shall be permitted to play.
2. The players may not be charged any fee, express or implied, to play. Examples would include, but not be limited to: buy-ins; cover charges in excess of those charged to non-playing patrons; drink minimums; drink prices in excess of those charged to non-paying patrons; "donations"; or, payments by players to third parties/vendors.

3. If the licensee employs a third-party to operate the game, the licensee must pay all fees and costs charged by the third-party operator.

4. The players and others may not make “side bets” amongst themselves. This would be a violation of KRS 243.500 (7). For each offense, the licensee would be subject, at a minimum, to a fine of twenty-five (25) days suspension of license, or a fine in lieu thereof totaling One Thousand Two Hundred Fifty Dollars (\$1,250.00). The licensee is ultimately responsible for the operation of the game and should take strong action to assure that no gambling is taking place.

5. No one present on the licensed premises may bet on the outcome of the game. This includes non-playing patrons. “Calcutta” bets would be a violation of KRS 243.500 (7).

6. Prizes may be awarded. The full cost of the prize must be bourn by the licensee and/or its third party gaming operator. The players and patrons may not contribute any consideration towards the prize.

7. Prizes may not include any alcoholic beverages, discounts of alcoholic beverages, or gift certificates redeemable for alcoholic beverages. KRS 244.050.

In addition to this popular card game, other games of chance are also illegal, such as \$1 square boards for sporting events, fantasy sports leagues, raffles, casino games, 50/50 jackpots, etc.



Tobacco Retailers, Complete Free Training

Retailers selling tobacco products are encouraged to complete the TRUST training, a free online training that promotes compliance to tobacco laws. TRUST can be accessed from our website, <http://abc.ky.gov>.



Upcoming Elections

On Tuesday, March 5, 2013, there was a county wide election in Owsley County; the question on the ballot read "Are you in favor of the sale of alcoholic beverages in Owsley County?"

This election Passed 632-518.

S.T.A.R. Training Dates

Below are upcoming dates for the Server Training in Alcohol Regulations. In addition to responsible sales and service training, we cover Kentucky-specific statutes and regulations, individual liabilities and fake IDs. Class time is four hours. **Register for class and keep up with class changes and additions at <http://abc.ky.gov>.**



Class Date	Class Time	City	County	Location
04/02/2013	9:00AM	Lexington	Fayette	1938 Stanton Way
04/08/2013	5:00PM	Frankfort	Franklin	1003 Twilight Trl
04/08/2013	5:00PM	Owensboro	Daviess	1100 Walnut St
04/15/2013	9:00AM	London	Laurel	506 Minton Dr
04/15/2013	6:00PM	Louisville	Jefferson	9700 Bluegrass Parkway
04/15/2013	9:00AM	Elizabethtown	Hardin	404 S Mulberry St
04/16/2013	9:00AM	Paducah	McCracken	300 S 5th St
04/20/2013	9:00AM	Lexington	Fayette	1938 Stanton Way
04/22/2013	9:00AM	La Grange	Oldham	100 W Jefferson St, Ste 4
04/23/2013	9:00AM	Corbin	Laurel	125 Adams Rd
04/29/2013	9:00AM	Georgetown	Scott	110 Grandstand Dr
04/30/2013	5:00PM	Lexington	Fayette	1938 Stanton Way
04/30/2013	5:00PM	Murray	Calloway	Murray State University
05/07/2013	9:00AM	Louisville	Jefferson	9700 Bluegrass Pkwy
05/07/2013	9:00AM	Lexington	Fayette	1938 Stanton Way
05/13/2013	9:00AM	Frankfort	Franklin	1003 Twilight Trail
05/13/2013	9:00AM	Owensboro	Daviess	1100 Walnut St
05/14/2013	9:00AM	Somerset	Pulaski	4141 S Highway 27
05/18/2013	9:00AM	Lexington	Fayette	1938 Stanton Way
05/20/2013	9:00AM	Bowling Green	Warren	700 Church St
05/20/2013	9:00AM	Hazard	Perry	917 Perry Park Rd
05/21/2013	5:00PM	Paducah	McCracken	300 S 5th St
05/21/2013	9:00AM	Danville	Boyle	1009 Hustonville Rd
05/28/2013	5:00PM	Lexington	Fayette	1938 Stanton Way
05/28/2013	9:00AM	Murray	Calloway	Murray State University
05/28/2013	9:00AM	Florence	Boone	8100 Ewing Blvd